

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
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DATE FILED: OCT 29 2014

WILLIAM HENIG, on behalf of himself and
all others similarly situated,

Plaintiff,

-against-

QUINN EMANUEL URQUHART &
SULLIVAN, LLP and PROVIDUS NEW
YORK, LLC,

Defendants.

No. 13-cv-1432-RA

ORDER

RONNIE ABRAMS, United States District Judge:

The Court is in receipt of Defendants' motion for summary judgment and Plaintiff's request that the motion be held in abeyance pending a decision by the Second Circuit in Lola v. Skadden, Arps, Slate, Meagher & Flom LLP, No. 14-3845 (2d Cir. filed Oct. 14, 2014), as well as Defendant Quinn Emanuel's response. Plaintiff urges a stay on the basis that the standard by which to determine whether an individual is engaged in the "practice of law" under the Fair Labor Standards Act is undecided in this Circuit and the Court of Appeals may articulate or provide guidance on such a standard in its decision in Lola. Defendants oppose any such stay, arguing that based on the record presented, the Court will conclude that Henig was practicing law under any recognized definition. In light of the District Court's ruling in Lola, briefing on the issue of whether this Court, in interpreting 29 C.F.R. § 541.304, should rely exclusively on existing state standards regarding the practice of law, as the Lola court did, No. 13-cv-5008-RJS, 2014 WL 4626228, at *3-7 (S.D.N.Y. Sept. 16, 2014), or apply a test encompassing other factors, including ones the parties had previously urged this Court to consider, would be beneficial. Given that the Circuit

will likely resolve this issue in the near future, however, it would be an inefficient use of party and judicial resources to further litigate this motion at this time.

Accordingly, it is hereby:

ORDERED that Plaintiff's request to hold in abeyance Defendants' motion for summary judgment pending the Second Circuit's decision in Lola is GRANTED. Within ten days of the Circuit's issuance of a decision in the Lola case, the parties shall submit a joint letter proposing a revised briefing schedule for the pending motion, including any supplemental filing Defendants may seek to make in light of that ruling.

SO ORDERED.

Dated: October 29, 2014
New York, New York

A handwritten signature in black ink, consisting of a stylized 'R' followed by a long horizontal stroke that curves upwards at the end.

Ronnie Abrams
United States District Judge